REMARKS

Claims 1-14 are currently pending in this Application. In this Office Action the Examiner requires Applicant to elect a single group/invention to which the claims shall be restricted under 35 U.S.C. 121 and PCT Rules 13.1 and 13.2.

Particularly, the Examiner identifies:

Group 1: Claims 1-6 and 12-14, drawn to a stent having an enzyme coated on the inner surface.

Group 2: Claims 1, 3-10 and 12-14, drawn to a stent having genetically modified cells immobilized on the inner surface;

Group 3: Claims 2-5 and 12-14, drawn to a stent having the VLDL receptor protein coated on the inner surface;

Group 4: Claim 11, drawn to a method of treating or preventing atherosclerosis or preventing restenosis by using a stent having an enzyme coated on the inner surface;

Group 5: Claim 11, drawn to a method of treating or preventing atherosclerosis or preventing restenosis by using a stent having genetically modified cells immobilized on the inner surface; and

Group 6: Claim 11, drawn to a method of treating or preventing atherosclerosis or preventing restenosis by using a stent having the VLDL receptor protein coated on the inner surface.

In reply to the restriction requirement, Applicants herein elects Group 2, Claims 1, 3-10 and 12-14 **with traverse** for the reasons set forth in the below paragraphs. Applicant also respectfully requests entry of the amendments set forth in the above claim listing.

Applicant respectfully asserts that Groups 1 and 4, Groups 2 and 5, and Groups 3 and 6 should be respectively linked to form three single inventive concepts, as each of these three concepts includes a product (i.e. Groups 1, 2, and 3) and a process for using said product (i.e. Groups 4, 5, and 6). In support of this contention Applicant respectfully refers to category (2) on page 3 of the Office Action, which states that inventions will be considered to have unity if the claims are drawn to "a product and process of use of said product." Clearly the claims of Groups

1 and 4, Groups 2 and 5, and Groups 3 and 6 fall under this category.

With regards to common technical feature, Applicant also respectfully asserts that Group 1 and Group 4 include a stent (as claimed in claim 1 and amended claim 11) having an enzyme coated on the inner surface, Group 2 and Group 5 includes a stent (as claimed in claim 1 and amended claim 11) having genetically modified cells on the inner surface, and Group 3 and Group 6 includes a stent (as claimed in claim 2 via claim 1) having VLDL receptor protein coated on the inner surface.

With regards to restriction between HUVEC cells, autologous human immortalized microvascular cells, any cell expressing an exogenous enzyme that was transformed by an adenoviral-associated-virus vector, Applicant respectfully asserts that HUVEC or autologous human immortalized microvascular cells are both endothelial cells, which in turn are only examples of appropriate cells (see e.g. page 5, lines 9-16 of Applicant's description). Furthermore it seems also clear that any appropriate vector could be used to modify these cells, and that the adenoviral-associated-virus vector (AAV), although exemplary, is just one possible example (see page 5, lines 18-20 of Applicant's description) among others to achieve such an over expression in a cell. As such, Applicant respectfully submits that this specific requirement is improper.

With regards to restriction between stainless steel or nickel-titanium-based shape memory alloy or a different shape memory alloy that is encompassed by the term "such as," Applicant respectfully asserts that alloys mentioned in the description and in the claims are merely exemplary material for use in the manufacture of stents. As such, Applicant respectfully submits that this specific requirement is improper.

With regards to Applicant's proposed amendments to claim 1, Applicant respectfully notes that claim 1 recites "an intravascular stent; comprising in an inner surface ~~an enzyme capable of catabolizing cholesterol and lipids, or~~ cells that have been genetically modified to produce ~~said~~ an enzyme capable of catabolizing cholesterol and lipids." According to the description, enzymes capable of catabolizing cholesterol and lipids "*address the re-accumulation of lipids in the vein*

after the stent has been put into place" (page 4, lines 8-10). Examples of such enzymes are lipoprotein lipase (LPL) and the very low density lipoprotein receptor (VLDR), see page 4, lines 16-18. In "Part 2" of the description (page 7-9), the genetic modification of cells to (over) express such an enzyme is exemplified in great detail for LPL. The mechanism by which such an over expressed cholesterol and lipid catabolizing enzyme will prevent atherosclerosis is presented in particular on page 7, lines 19-32.

For at least the above reasons Applicant respectfully asserts that the claims of Groups 2 and 5, as recited in the above claim listing, **should be maintained in this Application for prosecution**. In the event that Applicant's above arguments are not well taken, Applicant **elects Group 2 with the HUVEC cells of claim 9 and the steel or nickel-titanium-based shape memory alloy of claim 12**.

Applicants respectfully reserve the right to pursue the claims of the non-elected Groups in a related application(s) without prejudice.

Prosecution on the merits is respectfully requested. The foregoing is believed to be fully responsive to the outstanding Office Action.

The Examiner is invited to contact Applicant's attorney at the below-listed phone number regarding this Response or otherwise concerning the present application.

Applicant hereby petitions for a any extension of time necessary under 37 C.F.R. §§1.136(a) or 1.136(b).

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,
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